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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,896	04/14/2004	James E. Masseth JR.	89843.048703	5665
7590	10/24/2005			
Dennis B. Danella, Esq. JAECKLE FLEISCHMANN & MUGEL, LLP Suite 200 39 State Street Rochester, NY 14614-1310			EXAMINER SCHRODE, WILLIAM THOMAS	
			ART UNIT	PAPER NUMBER
			3676	
DATE MAILED: 10/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/823,896

Applicant(s)

MASSETH, JAMES E.

Examiner

William Schrode

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-30 is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/15/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Examiner's Attachment

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6, 7, 10, 11, 13-15, 20, 21, 23 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Suggs et al. (US 6679087). In regard to claim 1, Suggs discloses a locking mechanism for an enclosure, the enclosure having a door and a housing, the locking mechanism comprising of a drive mechanism (12) for moving the locking mechanism between locked and unlocked positions; a first plate (18) engaged with the drive mechanism for selectively engaging the door with the housing; a second plate (14) engaged with the drive mechanism; and a tumbler stack (22) associated with the second plate for selectively allowing the second plate to move to the unlocked position, wherein the first and second plates are slidingly coupled to one another, wherein the movement of one of the plates causes movement of the other plate irrespective of the connection of the first and second plates to the drive mechanism.

In regard to claim 2, Suggs discloses a locking mechanism wherein one of the first and second plates has a slot (20) defined therein, and the other plate has a guide piece (16) mounted thereon that is slidably received in the slot.

In regard to claim 3, Suggs discloses a locking mechanism wherein the guide piece is a pin.

In regard to claim 6, Suggs discloses a locking mechanism wherein the slot is defined in the first plate and the guide piece is mounted to the second plate.

In regard to claim 7, Suggs discloses a locking mechanism wherein a handle (38) is coupled to the drive mechanism.

In regard to claim 10, Suggs discloses a locking mechanism wherein the first plate is coupled with at least one locking pin (32) for selectively engaging the door with the housing.

In regard to claim 11, Suggs discloses a locking mechanism further comprising a tail (A, See Examiner's Attachment) piece coupled with the second plate and being associated with the tumbler stack to selectively allow the second plate to move to the unlocked position.

In regard to claim 13, Suggs discloses a locking mechanism wherein the tumbler stack is coupled with a combination lock (Fig. 6).

In regard to claim 14, Suggs discloses a locking mechanism wherein the tumbler stack is coupled with a keyed lock (Column 6, lines 21-25).

In regard to claim 15, Suggs discloses a locking mechanism for an enclosure, the enclosure having a door and a housing, the locking mechanism comprising a drive

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mechanism (12) for moving the locking mechanism between locked and unlocked positions; a live bolt lock plate (18) engaged with the drive mechanism (and having a slot (20) defined therein; a primary lock plate (14) engaged with the drive mechanism and having a guide pin (16) mounted thereon, wherein the guide pin is slidingly positioned within the slot; and a tumbler lock (22) associated with the primary plate for selectively allowing the primary locking plate to be moved to the unlocked position.

In regard to claim 20, Suggs discloses a locking mechanism wherein the live bolt lock plate is coupled with at least one locking pin (32) for selectively engaging the door with the housing.

In regard to claim 21, Suggs discloses a locking mechanism further comprising a tail (A, See Examiner's Attachment) piece coupled with the primary lock plate and associated with the tumbler stack to selectively allow the primary lock plate to move to the unlocked position.

In regard to claim 23, Suggs discloses a locking mechanism wherein the tumbler stack is coupled with a combination lock (Fig. 6)

In regard to claim 24, Suggs discloses a locking mechanism wherein the tumbler stack is coupled with a keyed lock (Column 6, lines 21-25).

***Allowable Subject Matter***

Claims 25-30 are allowed. In regard to claim 25, Suggs fails to teach a driving mechanism having first and second gears; a live bolt lock plate engaged with the first gear of the drive mechanism; a primary lock plate engaged with the second gear of the drive mechanism; a tail piece having an extension plate and an engagement flange, the

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extension plate coupled with the primary lock plate, the engagement flange coupled with the extension; and a tumbler stack associated with the engagement flange for selectively allowing the primary locking plate to be moved to the unlocked position. The examiner is aware that there is prior art that teaches a drive mechanism having first and second gears engaged with a live bolt lock plate and a primary lock plate. However, the live bolt plate and the primary lock plate do not have a guide pin and a slot that are slidably positioned together. Such a modification to Suggs locking mechanism would change the internal parts and affect the functionality. The examiner is aware that there is prior art teaching a tail piece having an extension plate and an engagement flange, the extension plate coupled with the primary lock plate, the engagement flange coupled with the extension; and a tumbler stack associated with the engagement flange for selectively allowing the primary locking plate to be moved to the unlocked position. Such a modification to Suggs locking mechanism would change the internal parts and affect the functionality.

Claims 4, 5, 8, 9, 12, 16-19, and 22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Suggs et al., V. Cornaro, F. Amato, and J. Dowd.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Schrode whose telephone number is (571)272-1647. The examiner can normally be reached on Mon-Fri 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571)272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WS  
10/11/2005



BRIAN E. GLESSNER  
SUPERVISORY PATENT EXAMINER

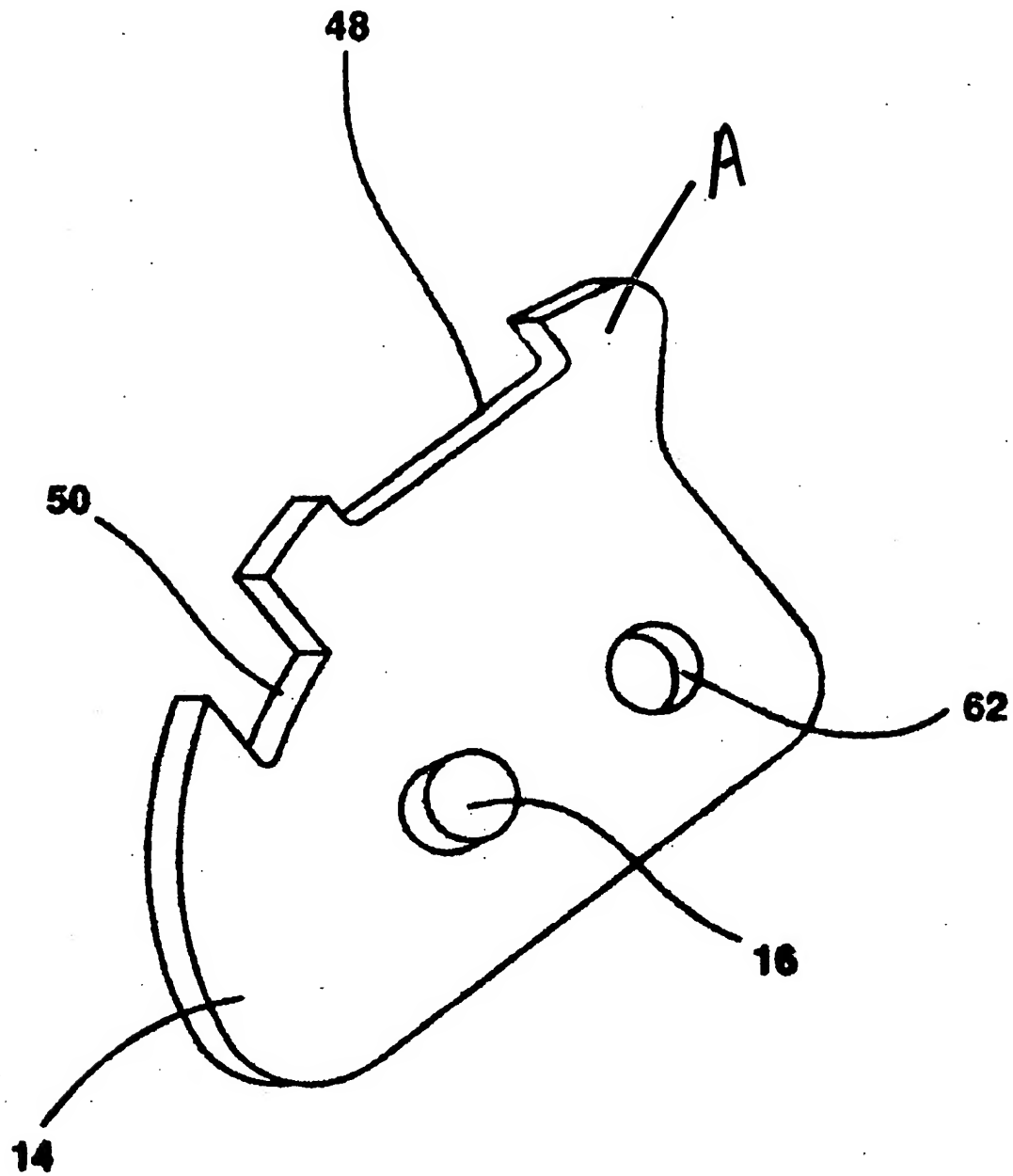
# Examiner's Attachment

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**FIG. 4**